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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/829,605

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Michael L. O'Banion

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12/14/2006

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EXAMINER

BLAKE, CAROLYN T

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,605

Applicant(s)

O'BANION ET AL.

Examiner

Carolyn T. Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10-14,20,22,23 and 44-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14,20,22,23 and 44-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 8, 2006 has been entered.

Drawings

2. The drawings are objected to because block 38 should be labeled in additional drawing views, such as FIGS 1-3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

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not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. The claims are objected to because of the following: a consistent spelling of the term "quick release mechanism" should be employed throughout the application. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 2, 4-8, 10-14, 20, 22, 23, and 44-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language. Applicant is required to review and correct all the pending claims.

Regarding claim 1, the limitations requiring "a *hood assembly* . . . including . . . a *quick-release mechanism*" (lines 4 and 5, emphasis added) and "a *quick-release mechanism* for providing selective engagement between said support structure and said entire *hood assembly*" (lines 5 and 6, emphasis added) are incompatible. It is not possible for the quick release mechanism to both be part of the hood assembly and

provide selective engagement between the support structure and hood assembly. A similar problem occurs in at least claim 13.

Regarding claims 1, 13, and 22, the limitation requiring "said quick release mechanism including a biasing member urging said quick release mechanism into engagement with said support structure" is not properly understood. From the drawings, it appears the entire mechanism is not urged, but rather only the lock pin 44 of lever 40.

The claims contain incongruent titling. The claims call for a "table saw guard assembly," yet by claiming a support structure, the entire table saw should be claimed.

Claim Rejections - 35 USC § 102

6. Claims 1, 5, 7, 8, 10, 12, 13, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson (3,105,530).

Regarding claim 1, Peterson discloses a table saw guard assembly as claimed, including: a support structure (including 7, 12, 15); and a hood assembly (including 21, 46) mounted to said support structure including a first side curtain (46) and a second side curtain (46), and a quick release mechanism (28, 29) for providing selective engagement between said support structure and said entire hood assembly, said quick release mechanism including a biasing member (29) urging said quick release mechanism into engagement with said support structure, wherein each of said first and second side curtains (46) are independently movable relative to said support structure. The wing nut and screw assembly can be considered a "quick release mechanism" because it enables relatively fast disassembly of the hood from the support structure.

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While Applicant's quick-release mechanism may be faster at performing this task, the Peterson assembly would be faster than other connections, such as a bolt or welding connection. In addition, it should be noted the term "biasing" does not necessarily require a resilient member or spring, but rather a member that puts two components in closer proximity.

Regarding claim 5, Peterson discloses the hood assembly further includes a locking mechanism (including 53) adapted to selectively engage and secure said at least one of said first and second side curtains (46).

Regarding claim 7, Peterson discloses said first and second side curtains (46) independently move in response to a force applied by a work piece.

Regarding claim 8, Peterson discloses said first and second side curtains (46) are moveable in accordance with said engagement of said locking mechanism.

Regarding claim 10, Peterson discloses said first side curtain (46) includes a first coupler (50, 37), and said second curtain (46) includes a second coupler (30, 37, 50) adapted to engage said first coupler thereby connecting said first and second side curtains (46).

Regarding claim 12, Peterson discloses each of said first and second side curtains (46) are independently removable from said hood assembly.

Regarding claim 13, Peterson discloses a table saw guard assembly as claimed, including: a support structure (including 7, 12, 15); and a hood assembly (including 21, 26) connected to said support structure including a first side curtain (46), a second side curtain (46), and a quick-release mechanism (28, 29) for providing selective

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engagement between said support structure and said entire hood assembly, said quick release mechanism including a biasing member (29) urging said quick release mechanism into engagement with said support structure, wherein each of said first and second side curtains (46) are independently removable from said hood assembly.

Regarding claim 20, Peterson discloses each of said first and second side curtains (46) are independently moveable relative to said support structure.

Regarding claim 22, Peterson discloses a table saw guard assembly as claimed, including: a support structure (including 7, 12, 15); a hood assembly (including 21, 46) connected to said support structure including a mounting member (30), a first side curtain (46) and a second side curtain (46); said first and second side curtains each being independently connected to said mounting member; a first locking assembly (50) for independently and selectively removing each of said first and second side curtains (46) from said mounting member (30); and a second locking assembly (28, 29) for selectively removing said mounting member (30) from said support structure (12), said second locking assembly including a quick-release mechanism for providing selective engagement between said support structure and said entire hood assembly, said quick release mechanism including a biasing member (29) urging said quick release mechanism into engagement with said support structure.

Claim Rejections - 35 USC § 103

7. Claims 1, 2, 7, 10, 12-14, 20, 22, 23, and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton (6,405,624) in view of Vogl et al (3,249,134).

Sutton discloses a table saw guard assembly substantially as claimed, including: a support structure (including riving knife 32); and a hood assembly (including 30, 48) mounted to said support structure including a first side curtain (34) and a second side curtain (36), and a quick release mechanism (including 68, 70, 82) for providing selective engagement between said support structure and said entire hood assembly, said quick release mechanism including a biasing member (spring 82) urging said quick release mechanism into engagement with said support structure. The fastener and retainer assembly can be considered a "quick release mechanism" because it enables relatively fast disassembly of the hood from the support structure. While Applicant's quick-release mechanism may be faster at performing this task, the Sutton assembly would be faster than other connections, such as a bolt or welding connection.

Sutton fails to disclose the first and second side curtains are independently movable relative to the support structure. However, Vogl et al disclose a table saw guard assembly comprising a hood assembly including a first side curtain (32) and a second side curtain (35), wherein each of the curtains is independently movable. The independence of the Vogl et al curtains allows a user to have versatility in cutting and also maximum protection of the blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an alternative hood structure, such as taught by Vogl et al, with the Sutton table saw guard in order to selectively utilize the curtains.

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8. Claims 2, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claims 1, 13, and 22 above, and further in view of Akin (2,731,049).

Peterson discloses a spring strip guard at the rear of the blade guard for holding a work piece, but fails to disclose a riving knife. However, Akin discloses a table saw guard assembly wherein a riving knife (54) is employed. The riving knife separates cut work pieces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the spring strip guard of the Peterson device a riving knife, as taught by Akin, for the purpose of separating cut work pieces.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claims 1 and 5 above, and further in view of the following.

Peterson fails to disclose a hood locking assembly including a screw and wing nut. However, Peterson discloses a wing nut and screw in another location in order to quickly remove a structure without the use of tools. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the hood mounting bolts (50) of the Peterson device with screws and wing nuts in order to quickly remove the hoods without tools.

Allowable Subject Matter

10. Claims 4 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Thursday, 7:00 AM to 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

CB
December 5, 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER